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March 17, 2010

**VIA E-MAIL and U.S. MAIL**

Arlene Lilly  
U.S. EPA - Region 5  
Emergency Enforcement Services Section SE-5J  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

Re: **Westover Landfill Site – Oregon, Ohio**  
Our File No: W1439/189986

Dear Ms. Lilly:

We represent Respondent Geo. Gradel Co., the recipient of a General Notice of Potential Liability ("Notice") from your office that was received on March 4, 2010.

During its years of operation, the Westover Corporation was the owner and operator of the Westover Landfill, the "Site" that is the subject of your letter. However, Westover Corporation has long been inactive and has no directors, officers or employees. The primary recipient of the Notice, the Geo. Gradel Co., is a small, family-owned business. The obligations associated with a U.S. EPA investigation and response could easily overwhelm its resources.<sup>1</sup>

A new entity, Remediation Co., LLC ("RemCo"), has been established to coordinate and fund response activities with respect to the Site. RemCo intends to voluntarily perform the response activities necessary and appropriate to investigate and control the releases from the Westover Landfill Site ("Site"). RemCo also requests an opportunity to confer with U.S. EPA about additional procedural and financial obligations related to the Site and the work that has been and must be done there.

Both the Notice and the Site Assessment Letter Report dated January 20, 2010 describe certain conditions requiring an immediate response. In accordance with the Notice and earlier informal discussions with Mr. Gulch (On-Scene Coordinator) and Ms. Liszewski (Office of

<sup>1</sup> The General Notice of Potential Liability states that a U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet was enclosed, but it was not. We request a copy.

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Regional Counsel), RemCo has initiated a comprehensive response to perform activities necessary to eliminate releases and to reduce the risks associated with the Site.

RemCo has hired a consultant experienced in landfill management to evaluate the chemical composition of the Site's leachate and to arrange, if possible, for its discharge into a nearby POTW. Although the POTW is still evaluating the laboratory reports and application, the consultant reports that it is likely that the POTW can and will accept the leachate. Any discharge of leachate into the POTW will be done in strict compliance with the requirements of the receiving POTW and applicable rules.

RemCo has obtained an Access License from the current owner of the Westover Landfill Site (Seth Corley) that authorizes leachate removal and other activities at the Site associated with preventing releases and lowering risk. On behalf of RemCo, we have also conferred with Ohio EPA officials to ascertain whether any approvals will be required from that agency in order to perform these tasks. (For example, removing the leachate may require placement of some additional soil for an access road, an asphalt loading pad and electrical service.) While the Ohio EPA has asked to be kept informed of these activities, the agency has responded that RemCo will not need prior approval so long as the cap is not penetrated and the work is in the nature of repairs or maintenance.

Along with removal of leachate, RemCo has determined that reinforcement or replacement of the plug in the storm water outfall pipe at the northwest corner of the Site is the highest priority item. RemCo has contracted for the services of an environmental engineering firm to assist and evaluate the most appropriate method of sealing the pipe.

Respondent will repair the security fence around the Site, cut down the trees that have grown on the landfill, and spray the phragmite. While the trees can be cut down during winter months, spraying the phragmite is ineffective in cold weather.

It is not currently possible to ascertain where seeding will be beneficial because of the current cold weather and intermittent snow cover. However, the Site Assessment Letter Report states that some seeding will be required, and RemCo will revisit the issue when weather permits.

With respect to the issue of the analysis of the stability of the 2:1 western slope, RemCo is reviewing the Westover Site plans to determine whether the waste was placed at a 2:1 slope or, conversely, whether the 2:1 slope is only the outside slope of a thicker clay dike between the waste and Otter Creek. This determination will significantly influence the risk determination.


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Along with the removal of the trees and restoration of the security fence, the initial focus is on the plug in the outfall pipe and reducing leachate levels within the facility. As the weather improves, additional information regarding seeding, placement of additional clay soil and other issues can be better evaluated and resolved.

The purpose of this letter is to convey my client's desire to fully cooperate with the U.S. EPA and to finance and perform the response activities at the Site. We request that you call in order to schedule more specific discussions to that end.

Very truly yours,

EASTMAN & SMITH LTD.



Richard T. Sargeant

RTS/jlr/ksw

cc: Christine Liszewski  
U.S. EPA Office of Regional Counsel (via U.S. Mail) ✓